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Martin Naughton, M.D.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT JONES,

Plaintiff,

vs.

LINDA FOX, et al.,

Defendants.

Case No. 3:21-cv-00129-ART-CSD

**ORDER GRANTING
DEFENDANT'S MOTION
TO EXTEND 90-DAY STAY**

Defendant Martin Naughton, M.D., by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and John C. Dorame, hereby moves this Honorable to grant an extension of the 90-day stay of proceedings in this matter. This motion is based upon the following memorandum of points and authorities, as well as all pleadings, documents, and exhibits on file in this matter.

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL AND PROCEDURAL BACKGROUND

This is a *pro se* prisoner civil rights action brought by Plaintiff Robert Jones ("Jones") asserting claims arising 42 U.S.C. § 1983. ECF No. 7 at 1:11-12. The Court allowed Jones to proceed with his Eighth Amendment deliberate indifference to serious medical needs claim against Defendant Martin Naughton, M.D. (Naughton), for failure to treat pain in his left hip. ECF No. 7 at 4:2-10. In his First Amended Complaint (FAC), Jones sues for events that allegedly took place while Jones was incarcerated within the

1 Nevada Department of Corrections (NDOC) at Northern Nevada Correctional Center
2 (NNCC). ECF No. 7 at 3:20-21.

3 At the time the Court screened Jones' FAC, the Court also put in place a 90-day
4 stay to "allow Jones and Defendant an opportunity to settle their dispute before the
5 \$350.00 filing fee is paid, and answer is filed, or the discovery process begins." ECF No. 7
6 at 6:6-8. The Screening Order also directed the Office of the Attorney General ("OAG")
7 to file a report ninety days after the screening order to indicate the status of the case
8 at the end of the stay. ECF No. 7 at 6:13-16. The OAG has submitted its report,
9 informing the Court that after a mediation on May 17, 2022, the Parties were able to
10 reach a successful settlement agreement. ECF No. 18.

11 The OAG prepared the settlement agreement, and it has been circulated and
12 executed by the respective parties. The fully executed agreement is now in the
13 possession of NDOC officials and pursuant to the same, the NDOC has thirty (30) days
14 to comply with the agreement. The agreement also requires the OAG to file a stipulation
15 to dismiss the matter within seven (7) days of NDOC's compliance with the agreement.
16 As such, the OAG intends to submit a stipulation to dismiss this matter on or before
17 June 23, 2022.

18 **II. LEGAL ARGUMENT**

19 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as
20 follows:

21 When an act may or must be done within a specified time, the court may, for
22 good cause, extend the time: (A) with or without motion or notice if the court
23 acts, or if a request is made, before the original time or its extension expires;
or (B) on motion made after the time has expired if the party failed to act
because of excusable neglect.

24 Defendant submits this motion—as directed—contemporaneously with the
25 report. Defendant's request will not hinder or prejudice Plaintiff's case as the matter
26 has been settled and Defendants are requesting only a short extension up to and
27 including June 23, 2022.

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1 **III. CONCLUSION**

2 Good cause exists to extend the ninety (90) day stay in this matter and
3 Defendant respectfully requests the Court extend the stay up to and including
4 Thursday, June 23, 2022.

5 DATED this 19th day of May, 2022.

6 AARON D. FORD
Attorney General

7 By:

8 
JOHN C. DORAME, Bar No. 10029
Deputy Attorney General

9 *Attorneys for Defendant*

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12 IT IS SO ORDERED.

13 DATED: May 20, 2022.

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15 UNITED STATES MAGISTRATE JUDGE
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